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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

van Rossum et al

Serial No.: 09/508,852

Examiner: M. Komakov

Filed: June 2, 2000

Group Art Unit: 1746

For: Removable Protection Coating

Atty. Dkt.: 005032.86955

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Antonius Fanciscus Maria Bertels, hereby declare as follows:

1. I am one of the inventors of the above-identified application.
2. I have reviewed the above-identified application, as well as the April 22, 2002 Office action and the prior art, particularly EP 0 478 067.
3. I am one of the inventors listed on EP 0 478 067.
4. The only binder disclosed in the example of EP '067 is outside the scope of the claims of the above-identified application. The EP '067 binder is a styrene maleic anhydride copolymer (SMA 2625) obtained from Sartomer, an affiliate of Atofina. (see attached product sheet). The binder has an acid value of 220, a glass transition temperature of 110 °C, a number average molecular weight of 3600, a weight average molecular weight of 9000, and a polydispersity of 2.5. The binder disclosed in EP '067 also has a relatively low UV stability, and when exposed to the sun for a certain period of time, the cohesive strength of the coating will deteriorate.

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- The properties of the EP '067 binder make the coating rather brittle, and thus too fragile for use outdoors.
5. The binder disclosed in the instant claims is more durable than that of EP '067 and has high UV stability. The binder has an acid value of 40 to 250, a glass transition temperature of 10 to 60 °C, a weight average molecular weight of 10,000 to 100,000, and a polydispersity of 2 to 6. It was found that a coating comprising a binder satisfying all of these criteria meets the requirements for creating a coating that has sufficient adhesive strength to the substrate on which it is applied and sufficient cohesive strength to remain intact. Yet the coating is easily removable by a strong base.
 6. The protective coating disclosed by EP '067 is not very resistant to weather influences and must be frequently repaired or even reapplied several times in one season. The instant claimed coating is resistant to weather influences and can endure the season without requiring interim repair.
 7. Prior to the instant invention, we were not aware that a coating having the specific criteria of the claimed invention would provide such improved results over the coating disclosed in EP '067.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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22 July 2002
Date


Antonius Franciscus Maria Bertels